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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,272	03/11/2004	Jungchuan Leo Chang	USP2416A-LC4	7203

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,272	Applicant(s) CHANG, JUNGCHUAN LEO	
	Examiner Christopher Bottorff	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13, 24-29, 32, 36, 37, 39, 43, 46 and 49-79 is/are pending in the application.
- 4a) Of the above claim(s) 8-13, 24-29, 32, 36, 37, 39, 43 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed May 5, 2006 has been entered. Claims 1-7, 14-23, 30-31, 33-35, 38, 40-42, 44-45, 47, and 48 are canceled. Claims 49-79 added. Claims 8-13, 24-29, 32, 36, 37, 39, 43, 46, and 49-79 are pending. Claims 8-13, 24-29, 32, 36, 37, 39, 43, and 46 are withdrawn from consideration as being drawn to a non-elected invention. Also, note that claims 8-13, 24-29, 32, 36, 37, 39, 43, and 46 currently depend from canceled claims.

Claim Objections

Claims 49, 56-59, 66-69, and 77-79 are objected to because of the following informalities: Claims 49 and 59 each recite the limitation "outwardly extending that a transverse distance" in line 2, which would be clearer if "such" were inserted between "extending" and "that." Claims 49, 59, and 69 each recite "a transverse distance...are gradually reducing" in lines 2-3, 2-3, and 9-10 respectively, which would be clearer if "are" were replaced by "is." Claims 56-58, 66-68, and 77-79 each recite the limitation "which have symmetrical structure of said two container holders" in lines 2-3 of each claim, which would be clearer as "which have structures symmetrical of said two container holders. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-58, 69-74, 77, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer GB 2 017 606 in view of Oren US 4,635,801 and Cheng et al. US 6,886,852.

Fischer discloses a detachable container comprising a container frame 2, 4, 5, 6, 7, and 9 having a storing chamber and two container holders 10 and 11 spacedly mounted on a rear side of the container frame to define a holding length between the container holders. See Figures 1 and 3. The container is mounted on two inclination arms 17 and 18 of a vehicle at a location where the arms extend downwardly and outwardly such that a transverse distance between the two inclination arms is gradually reducing. See Figure 1. The holding length is larger than a span between the two the downwardly and outwardly extending inclination arms 17 and 18 at apportion of the arms below and adjacent to the point of intersection of the arms. See Figure 1. Also, the holding length is smaller than a lower span between two lower ends of the inclination arms. See Figure 1. Each of the holders 10 and 11 is mounted on the rear side of the container frame. See Figure 3. The container holders 10 and 11 are adapted for, under the downward force of gravity, self-adjustably holding along the two inclination arms 17 and 18 respectively at a position that the holding length matches with a transverse distance between the two inclination arms 17 and 18 so as to substantially hold the detachable container to the inclination arms 17 and 18. See Figure 1.

Each of the container holders 10 and 11 has a hooking end extended from the rear side of the container frame for holding at the respective inclination arm. See Figure 3. The hooking ends serve as holding members having a U-shaped cross section, which are provided on the rear side of said container frame. Each of the holding members has a holding groove and a side opening for receiving the respective inclination arm within the holding groove such that the two holding members of the container holders are adapted for holding at the two inclination arms from two outer sides thereof. See Figure 3. Each of the holding grooves is downwardly and outwardly extended for matching an inclination angle of the respective inclination arm such that when the holding members 10 and 11 are slid along said inclination arms respectively, the holding members 10 and 11 are adapted for fittingly holding along the inclination arms 17 and 18 in the holding grooves respectively so as to securely hold the container frame on the vehicle. See Figure 3.

Also, two supplement container holders 12 and 13, which have structures symmetrical with the two container holders, are provided on the rear side of the container frame to define a supplemental holding length between the two supplement container holders 12 and 13 for holding along said inclination arms 17 and 18 respectively. See Figure 3. The supplemental holding length is larger than the holding length of the container holders 10 and 11 and is smaller than the lower span of said inclination arms 17 and 18. See Figures 1 and 2. The supplemental container holders 12 and 13 are adapted for self-adjustably holding along the two inclination arms 17 and

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18 respectively at a position that the supplemental holding length matches with the transverse distance between the two inclination arms 17 and 18. See Figures 1 and 3.

The container holders of Fischer are joined together in a unitary structure and are not formed as a length adjustment unit through which the holding length can be selectively adjusted. However, Oren teaches the desirability of providing holders with length adjustment units that allow the holders to be selectively adjusted. See Figure 1. Each length adjustment unit comprises a retention base 1 having a longitudinal slot 6 and a fastening unit 4, 5 securely mounting the holder to the retention base to adjustably slide the holder along the longitudinal slot so as to selectively adjust a holding length between holders. See Figures 1 and 1a. Each of the fastening units comprises a slider shaft 4 frontwardly extended from the holding member 2 of the holder to slidably pass through the longitudinal slot 6 of the retention base and a shaft fastener 5 detachably fastened with the slider shaft 4 to securely lock up the holder at the retention base 1 so as to retain the holder. See Figure 1a and column 2, lines 34-37.

From the teachings of Oren, providing the holders of Fischer with the claimed length adjustment units, rather than as a joined and stationary structure, would have been obvious to one of ordinary skill in the art at the time the invention was made. This would provide a structure that would effectively mount the holders to the container frame while allowing easy use and attachment of the container.

Furthermore, Fischer discloses that the container may be mounted on various kinds of perambulators, including but not limited to infants' push chairs. See page 1, lines 41-45. This expresses the intent that the container be mounted on any suitable

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vehicle having inclination arms with at least a portion that extends downwardly and outwardly in such a way that would support the holders. The disclosed infants' push chair with intersecting inclination arms is merely an example and is not limiting.

Cheng et al. disclose a suitable vehicle having inclination arms with at least a portion that extends downwardly and outwardly in such a way that would support the holders. See Figure 1 and column 2, lines 32-34. The vehicle of Cheng et al. is a foldable golf cart comprising a supporting frame 5, 7, two wheel assemblies 2, 21, and two inclination arms 6. See Figures 1 and 11; column 2, lines 23-34; and column 3, lines 51-59. The supporting frame comprises an upper handle frame 5 and a lower supporting stand 7 pivotally connected to the upper handle frame 5. See Figures 1 and 11. The two wheel assemblies each comprise a side wheel 21 and a wheel arm 2 pivotally extended from the supporting frame to rotatably connect with the side wheel 21. See Figure 1. In addition, the two inclination arms 6 are outwardly, downwardly extended from the handle frame 5 to the wheel arms 2 respectively, wherein a transverse distance between the two inclination arms is gradually reducing from upper ends to lower ends, in such a manner that when the handle frame 5 is downwardly folded to overlap with the supporting stand, the two wheel arms 2 are driven to fold inwardly to reduce a distance between the two side wheels 21 so as to fold up the golf cart. See Figure 11; column 2, lines 32-34; and column 3, lines 57-59.

Consistent with the intent of Fischer, providing a detachable container on the golf cart of Cheng et al. would have been obvious to one of ordinary skill in the art at the

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time the invention was made. This would allow a user of the golf cart to stow goods on the cart such that goods are protected and easily accessible.

Claims 59-68, 75, 76, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer GB 2 017 606 in view of Oren US 4,635,801 and Cheng et al. US 6,886,852 as applied to claims 49-58, 69-74, 77, and 78 above, and further in view of Reynolds US 582,229.

Fischer does not disclose that the container frame is collapsible as claimed. However, Reynolds teaches the desirability of arranging a container frame with structure that allows the container to collapse. See Figures 1-4. The container frame of Reynolds comprises a plurality of boundary walls 1, 2, and 3 pivotally connected with each other edges to edges and a base wall 7, 8 pivotally connected to one of the boundary walls 1 edge to edge. See Figures 1-4. A retention stopper 1' is provided at a bottom edge of the corresponding boundary wall 1 in such a manner that when the base wall 7, 8 is pivotally and downwardly folded within the boundary walls and is stopped by the retention stopper 1', a storing chamber having a top opening is substantially formed within the boundary walls and the base wall. See Figures 2 and 1. Also, Figure 1 depicts the boundary walls extending at an incline from the base wall, whereby the top opening of the boundary frame would face in an inclination manner when the container frame is held on a vehicle.

From the teachings of Reynolds, arranging the container frame of Fischer with the structure that allows the container to collapse would have been obvious to one of

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ordinary skill in the art at the time the invention was made. This would allow the space occupied by the container to be decreased when the container is not in use and would allow for compact storage of the container.

Response to Arguments

Applicant's arguments filed May 5, 2006 have been fully considered but they are not persuasive.

On page 8, paragraph (c) of the remarks, Applicant indicates that the limitations regarding the inclination arms incorporate the golf cart in combination with the container. That is, the golf cart with inclination arms is not merely recited as intended use, but is positively recited in combination with the container in all of the claims. Further limitations were added to the claims consistent with this combination.

Applicant alleges that the baby stroller of Fischer is not the claimed golf cart. Applicant further alleges that the inclination arms of Fischer do not satisfy the requirements of the claims because they intersect to form an "X" structure, which prevents the transverse distance between the arms from gradually reducing from upper ends to lower ends. Although the transverse distance between the arms of Fischer gradually reduces from the point of intersection to the lower ends rather than the upper ends to the lower ends, this is immaterial since the relevant portion of the arms of Fischer upon which the container is mounted includes the gradually reducing distance and the golf cart of Cheng et al., with which the container of Fischer is combined in the rejection above, includes inclination arms with a transverse distance that gradually

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reduces from the upper ends to the lower ends. Since the rejection of the claims involves the combination of Fischer and Cheng et al., which together satisfy all of the limitations regarding the golf cart and inclination arms, the gradually reducing transverse distance and the golf cart are not distinguishing features of the claimed invention.

Applicant further lists numerous features that are allegedly not present in Fischer. However, each of the features identified by Applicant is identified in the rejection above as being disclosed by Fischer or taught by the additional cited references. Components 10 and 11 of Fischer are the "two container holders" and they each have the hooking end. Cheng et al. provide the golf cart with inclination arms. Oren teaches the selective adjustment of the holders and the presence of a detachable end on each holder. The holders of Fischer are adapted for self adjustably holding along the inclination arms in that the holders may slide along the inclination arms under the force of gravity until a position is reached in which the holding length matches with the transverse distance between the inclination arms. The U shape of the holders of Fischer forms a holding groove in each holder that accommodates an inclination arm, and, since the arms are inclined, the portions of the grooves that contact the arms has at least a surface that is complementarily inclined (i.e.: downwardly and outwardly) in order to ensure a snug fit between the holders and the arms. Also, components 12 and 13 of Fischer are supplemental container holders having structure that is symmetrical with the container holders.

In addition, all of the rejections above and several of the previous rejections are based upon the combination of references. Applicant's arguments address these

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rejections primarily by presenting arguments against the references individually.

However, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Merely alleging deficiencies in individual references is insufficient, particularly where the features absent in one reference are taught by another reference. The foldable container structure, the adjustable holder structure, and golf cart structure are taught by Reynolds, Oren, and Cheng et al. respectively, as discussed in the rejections above.

Moreover, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). A teaching reference is not required to describe precisely how two structures may be combined. The teachings of the references cited in the rejection are sufficient to suggest the desirability of the combination and to render the combination of the structure taught and another object within the purview of one of ordinary skill in the art.

In response to applicant's suggestion that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

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hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Here, the conclusion of obviousness takes into account only knowledge that was within the level of ordinary skill at the time the claimed invention was made as presented by the references cited in the rejection. The teachings of each reference are cited in the rejections above along with the motivation to make the combination.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

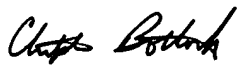
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Bottorff